

County of Santa Clara
Social Services Agency
Department of Aging and Adult Services
In-Home Supportive Services



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October 29, 2009

Carrie Stone, Manager
Quality Assurance Monitoring Unit
California Department of Social Services
Adult Programs Branch
744 P Street, MS 19-96
Sacramento, CA 95814

Dear Ms. Stone,

Following the format for the County Response Cover Sheet (Enclosure B) outlined in the September 25, 2009 County Board of Supervisors informational packet, I have included the following information:

Santa Clara County is requesting participation in the Enhanced Anti-Fraud Program. Our plan, entitled *In-Home Supportive Services Fraud Investigation and Program Integrity Efforts Plan* has been approved and is attached.

Board of Supervisor Approval
Approved on October 20, 2009, by the Santa Clara County Board of Supervisors
Name of Approver: Liz Kniss, President, Board of Supervisors

County District Attorney Representative: Scott Tsui, Assistant District Attorney
Telephone #: 408-792.2804
Email Address: Stsui@da.sccgov.org

County Welfare Department Representative: Lee Pullen, Director, Aging and Adult Services, Social Services Agency
Telephone #: 408-975.4848
Email Address: Lee.Pullen@ssa.sccgov.org

Thank you for your attention to this matter; feel free to contact me directly upon receipt or subsequently should you have any questions.

Board of Supervisors: Donald F. Gage, George M. Shirikawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

Santa Clara County IHSS Fraud Investigations and Program Integrity Proposal

Introduction

Santa Clara County submits the following plan to secure allocated funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services (IHSS) program. If the plan is approved by the California Department of Social Services (CDSS), Santa Clara County will certify that program integrity efforts will commence within 60 days of receipt of funding.

IHSS Overpayments/Underpayments

Santa Clara County's IHSS program will continue to identify overpayments and underpayments per current practice. The IHSS program has a dedicated accountant on staff responsible for reviewing all terminated IHSS cases and auditing the case for either outstanding overpayments or underpayments. Additionally, cases involving suspected fraud, timesheet inactivity, or death matches are also submitted to the accountant for a review audit. If additional funding is secured following plan approval, we are proposing to augment staffing with a senior accounting assistant who will work closely with the accountant to routinely audit advance pay cases and offer accounting support as necessary.

Enclosure D is attached providing statistical information from FY 04 through FY 09 regarding overpayments/underpayments.

Fraud Referrals/Outcomes

Presently, all Santa Clara County IHSS fraud referrals are co-reported simultaneously to the listed agencies below with the understanding that the first agency to stake claim as the lead agency will be the assigned investigative agency.

Currently, Santa Clara County's IHSS program has a collaborative relationship with the following agencies:

- *County of Santa Clara District Attorney's Office*

All fraud referrals are directed to Sandy Morales, Criminal Investigator III, who determines if any referrals will be assigned to her unit for further investigation.

- *California Department of Health Care Services (DHCS)*

All fraud referrals are sent to Kris Ungles, Supervising Fraud Investigator, who reviews referrals and assigns cases to Art Rincon, Fraud Investigator. Mr. Rincon is the investigator assigned to several Bay Area counties, including Santa Clara.

- *California Department of Social Services (CDSS)*

CDSS has requested that all fraud referrals be sent directly to DHCS. CDSS is informed quarterly of the number of fraud referrals taken by the county.

- *Office of the Attorney General-Bureau of Medi-Cal Fraud and Elder Abuse*

All fraud referrals are co-reported to Mike Schumacher, Investigative Auditor Supervisor.

Enclosure D is attached providing statistical information from FY 04 through FY 09 (if known) regarding suspected fraud, convictions for fraud, amount of funds involved in convictions, amount recovered, basis for the conviction, and the individual responsible.

Collaboration and Partnerships with District Attorney's Office (DAO)

Santa Clara County's Social Services Agency has a longstanding relationship with the Santa Clara County's District Attorney's Office involving welfare fraud prevention and investigation. The Fraud Early Detection and Prevention Referral (FRED) is the process where SSA staff refer to the District Attorney's office and/or the Department of Health Care Services where there is the assessment that the case needs to be investigated for possible fraud. Cases where there is substantiated reason for fraud may result in collection of payment for benefits issued. In a March 2009 audit of the Social Service Agency's Department of Employment and Benefits Services, the Management Audit Division of the Board of Supervisors reported that the Public Assistance Fraud division currently staffed by the DA's Office prevents and identifies a significant amount of fraud. They determined that FRED referrals were "particularly" effective. In fiscal year 2007-2008, 48% of the 768 FRED referrals submitted for investigation resulted in benefits being reduced, denied or discontinued.

Based on the positive results of the FRED program, the DA has recommended that a similar program be developed to investigate cases of suspected IHSS fraud. Preliminary discussions have taken place and SSA and the DA have tentatively agreed to develop a FRED like program to focusing on prevention rather than prosecuting IHSS fraud.

Collaboration and Partnerships with California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS)

Santa Clara County's IHSS program will continue its collaborative relationship with both DHCS and CDSS (as referenced previously) regarding fraud referrals and joint investigations. If funding is approved, the County will request a CDSS contact name to work with in addition to the already identified staff member from DHCS. Referrals made to DHCS will be tracked via Excel spreadsheet noting date sent to DHCS, date received by DHCS, DHCS contact assigned to referral, and DHCS outcome.

Mechanism for Tracking/Reporting

Santa Clara County will commit to track and report outcomes of its efforts to CDSS with the data recording format to be created by CDSS by August 1, 2010. Santa Clara County will also submit a plan on/before June 1, 2010 for funding consideration for FY 10/11.

County's Current and Proposed Anti-Fraud Activities

Santa Clara County's current anti-fraud activities include:

1. Written policies and procedures for reporting possible fraudulent activities;

2. County-wide published IHSS Fraud Hotline telephone number (408-975-4878);
3. Published agency form entitled: *Common Fraud Issues in IHSS* utilized in all outgoing IHSS QA mailings;
4. Routine training provided to all IHSS staff on agency-specific Fraud Referral form;
5. Quarterly fraud-specific articles prepared for Public Authority newsletter to all IHSS home care providers;
6. Monitoring of CMIPS reports including: 300+ Hour Report, 60-Day No Timesheet Activity Report, CDSS quarterly Death Match report, Fair Hearing requests, San Jose Mercury News obituaries, and monthly report submitted by Santa Clara County IHSS Public Authority regarding discrepant provider data.

Santa Clara County's proposed anti-fraud activities include:

1. Formal presentations at all newly required IHSS provider orientations to review/discuss IHSS fraud;
2. Wallet cards for reporting IHSS fraud;
3. Collaborations with area senior centers and senior nutrition sites to discuss fraud prevention;
4. Unannounced home visits to verify services are being received or provided prior to a fraud referral being initiated;
5. Training from the District Attorney's staff on what elements to include in the initial fraud referral package;
6. Review ALL overpayments and underpayments—any overpayment or underpayment meeting a minimum threshold amount would trigger an automatic fraud referral
7. Unannounced home visit scheduled for any irregular timesheet requests (ie-four or more timesheets requested by a provider);
8. Unannounced home visit scheduled for any alleged sub-contracting of work by an IHSS provider.

County Proposed Budget for Utilization of Funds

During the first year, the Social Services Agency and the District Attorney's Office are proposing the following budget for Santa Clara County's IHSS anti-fraud activities:

<u>Social Services Agency</u> (Incls overhead)	\$ 357,603
One (1) Social Work Coordinator	
One (1) Senior Account Clerk	
Administrative Manger (15%)	
<u>Social Services Agency</u>	\$ 179,028
Provider Training	
Staff Training	
<u>District Attorney's Office</u> (Incls overhead)	\$ 497,804
Two (2) Criminal Investigators	
One (1) Justice System Clerk	
TOTAL BUDGET REQUEST	\$1,034,435

Description of how the County will Integrate Other Program Integrity Efforts within the Plan
Santa Clara County will integrate any newly provided funding into current anti-fraud activities. Additionally, any funding made available through this effort will address anti-fraud components named in the 2009 State Budget Act including IHSS provider background checks, provider orientations, and unannounced home visit activities.

Annual Outcomes Report

If funding is authorized, Santa Clara County will comply with the format adopted by CDSS to provide an annual outcomes report by August 1 of each year for the previous fiscal year's activities.

Attachment

Enclosure D: Data Reporting Spreadsheet, 2004-Present

Considered

Enclosure D

County: Santa Clara

Overpayments Identified by County QA		04/05	05/06	06/07	07/08	08/09
Breakdown of Causes	Total Amount per Fiscal Year:					
	Number of Instances:	166	4	12	24	4
	Provider:					
	Recipient:					
	County Error:					
	Unknown:					
	Other:					

Underpayments Identified by County QA		04/05	05/06	06/07	07/08	08/09
Breakdown of Causes	Total Amount per Fiscal Year:					
	Number of Instances:	2	0	13	95	365
	Provider:					
	Recipient:					
	County Error:					
	Unknown:					
	Other:					

Fraud Referrals/Outcomes		04/05	05/06	06/07	07/08	08/09
Individuals Responsible	Number of referrals to DHCS:	0	0	28	32	75
	Number handled locally by DA:	0	0	0	4	0
	Number of convictions:				6	2
	Court Ordered Restitution:				23,635	25,974
	Amount of funds involved in the convictions:				118,788	25,974
	Amount of funds recovered:				95,393	2,000
	Amount of funds pending recovery:				23,394	23,974
	Basis for the Conviction:				PC 72 & 487	PC 72 & 487
	Recipient:					
	Provider:					
	County Staff:				0	0
	Other:				0	0
	Unknown:				0	0

Considered

Enclosure D
Page Two

Utilization of County DA for Fraud		04/05	05/06	06/07	07/08	08/09
Documented referrals to DA*				28	32	75
Outcomes	Accepted:				4	
	Rejected:			28	28	75
	Pending:					
	Completed Investigation					
	No Fraud:					
	Restitution Action:					
	Referred for Prosecution:					
	Criminal Charges Filed:					
	No Charged Filed:					
	Convictions:				4	
	Acquittals:				0	
	Dismissals:				0	
	Pending Investigation:				0	
	Restitution					
	Court Ordered:				2	
	Restitution Action:				2	
	Fines				4	
	Prosecutions Completed				4	
	Convictions				4	
	Misdemeanor					
	Felony				4	

Considered

Budget Justification
Santa Clara County's Fraud Funding Plan for FY 2009-10

Budget Section	Total
A. Personnel Costs (includes employee benefits)	\$ 599992
B. Operating Expenses	\$ 255415
C. Equipment Expenses	\$ 0
D. Travel/Per Diem and Training	\$ 179028
E. Subcontracts and Consultants	\$ 0
F. Other Costs	\$ 0
G. Indirect Expenses	\$ 0
Total Expenses	\$ 1034435

A. Personnel Costs (including employee benefits)	Total Budget
Title: Social Work Coordinator II/I Salary Calculation: 1@ \$113376 Duties Description: Coordinates all fraud related activities including monitoring various IHSS program reports and initiates fraud referrals to County and State Agencies.	\$ 113376
Title: Senior Account Clerk Salary Calculation: 1@ \$83148 Duties Description: Determines fraudulent overpayments and underpayments and initiates and tracks overpayments with the Agency's Accounts Payable Division.	\$ 83148
Title: Criminal Investigator II Salary Calculation: 2 @ 156686 Duties Description: Collaborates with IHSS fraud staff to investigate allegations of fraud, conducts scheduled and unannounced home visits, interviews IHSS recipients and providers to assess fraud allegations, and secures supporting documentation.	\$ 313372
Title: Justice System Clerk II/I Salary Calculation: 1 @ 41247 Duties Description: Processes all IHSS fraud referrals, creates and files investigative paperwork, provides data entry support and creates and maintains various statistical reports.	\$ 90096
Title: Salary Calculation: Duties Description:	\$
Title: Salary Calculation:	\$

Duties Description:	
Total Personnel Costs:	\$ 599992

B. Operating Expenses	Total Budget
Title: Social Services Administrative Overhead Description: Administrative costs includes the costs associated with IHSS Fraud Program oversight, percent of shared costs (rent, utilities, general maintenance, telephones, information systems, personnel recruitment, security, copiers, payroll, financial management, etc.)	\$ 161079
Title: Office of District Attorney Administrative Overhead Description: Administrative costs includes the costs associated with IHSS Fraud Program oversight, and percent of shared costs (rent, utilities, general maintenance, telephones, information systems, personnel recruitment, security, copiers, payroll, financial management, etc.)	\$ 94336
Title: Description:	\$
Total Operating Expenses:	\$ 255415

C. Equipment Expenses	Total Budget
Title: Description:	\$ 0
Title: Description:	\$
Title: Description:	\$
Total Equipment Expenses:	\$ 0

D. Travel/Per Diem and Training	Total Budget
Title: Training Description: Development and delivery of ongoing staff training and provider training	\$ 179028
Title: Description:	\$
Title:	\$

Description:	
Total Travel/Per Diem and Training:	\$ 179028

E. Subcontracts and Consultants	Total Budget
Title:	\$ 0
Description:	
Title:	\$
Description:	
Title:	\$
Description:	
Total Subcontracts and Consultants:	\$ 0

F. Other Costs	Total Budget
Title:	\$ 0
Description:	
Title:	\$
Description:	
Title:	\$
Description:	
Title:	\$
Description:	
Title:	\$
Description:	
Total Other Costs:	\$

G. Indirect Expenses	Total Budget
Title:	\$
Description:	

Title: Description:	\$
Total Other Costs:	\$ 0